

**Notice of Allowability**

Application No.

10/796,197

Examiner

Henry Orr

Applicant(s)

POHLAN, RUDOLF

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to application's amendment received on 10/30/2007.
2. ☒ The allowed claim(s) is/are 1-17.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_



DOUG HUTTON  
SUPERVISORY PATENT EXAMINER

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/30/2007 has been entered.

1. This action is responsive to application communication filed on 10/30/2007.
2. Claims 1-17 are pending in the case.
3. Claims 1 and 8 are independent claims.

### **Applicant's Response**

4. In Applicant's response dated 10/30/2007, applicant has amended the following:
  - a) Claims 1, 6, 8 and 16

Based on Applicant's amendments and remarks, the following objections and rejections previously set forth in Office Action dated 6/14/2007 are withdrawn:

- a) 35 U.S.C. 112 1<sup>st</sup> and 2<sup>nd</sup> Rejection to claim 6

### ***Allowable Subject Matter***

5. Claims 1-17 are allowed.

6. The following is an examiner's statement of reasons for allowance:

The primary prior art of record, Huberman et al. (hereinafter "Huberman"), U.S. Patent No. 6,278,452 teaches a method and apparatus for user-directed, efficient comparisons of sets of objects. In a first phase, the comparison process generates a tree containing nodes representative of each object selected to be compared; an object pair of the sets of objects being compared shares one tree node. Generally, an object pair comprises an object from each of the sets of objects being compared, and an object pair is what is compared.

A graphical representation of the tree, or an object view, is displayed as a graphical user interface display on a screen. Once the tree is generated containing nodes for each of the objects selected to be compared, the comparison process performs a comparison of each object pair. As each object pair is compared, the comparison process generates a result view. As result view comprises the graphical representation of the tree previously generated, with the addition of representations of the result of each object pair comparison performed to that time. The result view, once generated, may be displayed as a graphical user interface display on the screen (see abstract).

Regarding independent claims 1 and 8, the claimed features of: forming a single result directory tree in which the structural or content differences between the compared

files or folders are **displayed on each of a plurality of upper levels** of the result directory tree by predefined graphic markings; **wherein the predefined graphic markings indicate origin of difference of the compared files or folders** (emphasis added).

Although, Huberman's Figure 12 illustrates comparing content differences between the compared files or folders, the content differences are not displayed as predefined graphic markings on each of a plurality of upper levels wherein the predefined graphic markings indicate origin of difference of the compared files or folders.

Furthermore, the prior arts made of record fail to resolve the deficiencies of Huberman.

Accordingly, claim 1-17 are allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Henry Orr whose telephone number is (571) 270 1308. The examiner can normally be reached on Monday thru Friday 8 to 4.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on (571) 272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

12/28/2007  
HO

A handwritten signature in black ink, appearing to read 'Doug Hutton', with a stylized flourish at the end.

**DOUG HUTTON**  
**SUPERVISORY PATENT EXAMINER**